

From: [Morrison, Matthew W.](#)
To: [Goodis, Michael](#); [Holloman, Rachel](#)
Cc: [Zarghamee, Reza S.](#)
Subject: Harvest Power
Date: Wednesday, June 27, 2018 11:15:15 PM
Attachments: [image003.emz](#)
[image004.png](#)
[image2de5f9.PNG](#)
[image908f7c.PNG](#)

Dear Mike and Rachel,

Thank you very much for taking the time last week to speak with me and my colleague, Reza Zarghamee. We appreciated your thoughtful responses to the predicament in which our client, Harvest Power, finds itself. At the same time, we understand the challenge facing the Agency in reconciling its FIFRA labeling requirements with state requirements, particularly California's Proposition 65 labeling specifications.

We have discussed the issue with the folks at Harvest Power, who must begin printing packaging for the inventory they seek to sell in California this summer. In an effort to reconcile EPA's FIFRA labeling requirements with California's Proposition 65 labeling requirements, we have developed the following language for the packaging of Harvest Power's Preen mulch product:

We do not believe the proposed language, which will be set off from the EPA-approved FIFRA warning, presents a conflict with the label contents that EPA has already approved for this product, for it uses alternative signal words and makes clear that the hazard determination regarding wood dust is made by California and not EPA. For this reason, we also do not believe this additional label needs to be submitted to the Agency with a formal pesticide registration or label amendment application.

Please let us know if you have any questions or would like to discuss this matter further.

Best regards,

Matt

Matthew W. Morrison | Partner

Pillsbury Winthrop Shaw Pittman LLP

1200 Seventeenth Street NW | Washington, DC 20036-3006

t 202.663.8036 | f 202.663.8007 | m 571.253.3335

matthew.morrison@pillsburylaw.com | [website bio](#)

ABU DHABI AUSTIN BEIJING DUBAI HONG KONG HOUSTON LONDON
LOS ANGELES MIAMI NASHVILLE NEW YORK NORTHERN VIRGINIA
PALM BEACH SACRAMENTO SAN DIEGO SAN DIEGO NORTH COUNTY
SAN FRANCISCO SHANGHAI SILICON VALLEY TOKYO WASHINGTON, DC



The contents of this message, together with any attachments, are intended only for the use of the individual or entity to which they are addressed and may contain information that is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender or the Pillsbury Winthrop Shaw Pittman Help Desk at Tel: 800-477-0770, Option 1, immediately by telephone or by return E-mail and delete this message, along with any attachments, from your computer. Thank you.